

Service Date: June 14, 1994

FINAL ORDER NO. 6310
DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF John E. Isaacs)	
dba Isaacs Sani-Serv , Circle, Montana,)	Docket No. T-94.31.PCN
the application for a Montana Intrastate)	Order No. 6310
Certificate of Public Convenience and Necessity.)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On April 13, 1994, John E. Isaacs dba Isaacs Sani-Serv, P.O. Box 385, Circle, MT 59215, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class D - Garbage and trash within the town of Lindsay, Montana, and additionally serving all points located within sixteen miles of each side of Highway 200 from Lindsay, Montana west to the McCone County line.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public May 6 1994. That notice said in pertinent part:

If no written protests are received by May 26, 1994, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. No protests or responses of any kind were received.

4. The Commission notes that, pursuant to 69-12-102(d), transportation within a town with a population of less than 500 persons is exempt from PSC regulation. The town of Lindsay does not at this time have a population greater than 500; therefore, transportation within the town of Lindsay itself does not require a Certificate of Public Convenience and Necessity. Service to points beyond the town of Lindsay does require a certificate.

5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 6th day of June, 1994, there being present a quorum of

Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-94.31.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **John E. Isaacs dba Isaacs Sani-Serv**, Circle, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class D - Garbage and trash within the town of Lindsay, Montana, and additionally serving all points located within sixteen miles of each side of Highway 200 from Lindsay, Montana west to the McCone County line.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 6th day of June, 1994, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.